

REMARKS

Information Disclosure Statement

Applicant requests that the Examiner sends the initialed PTO Form 1449 confirming that the Examiner has considered the references submitted with an Information Disclosure Statement on June 25, 2004. The PAIR system indicates that the Information Disclosure Statement has been received by the Patent and Trademark Office. A duplicate copy of the previously submitted PTO 1449 form is enclosed for the Examiner's convenience (the references are not being resubmitted).

Claims

Claims 10-23 were allowed.

Claims 3-9 were objected to.

Claim 3 has been presented in independent form incorporating all the limitations of claims 2 and 1 from which it previously depended. Therefore, claims 3-9 should be allowed.

Claims 1, 2, and 24 were rejected under 35 U.S.C. §102(b) based on U.S. Patent 4,205,476 to Hsu. This rejection is respectfully traversed.

Claim 1 as amended recites as follows: "the first and second housing sections comprising respective first and second fishing line receiving passageway defining members, the fishing line passageway defining members interfitting with one another when the first and second housing sections are interconnected to define a fishing line receiving passageway from the exterior of the body, through the body, and to the exterior of the body..."

See for example, Fig. 3 of applicant's disclosure where fishing line 102 is shown passing through one form of such a fishing line receiving passageway.

Hsu has no such fishing line receiving passageway defining members that define the recited fishing line receiving passageway.

With reference to Figs. 1-3 of Hsu, an eyelet projects forwardly underneath the lips of the fish-shaped lure shown in the Hsu drawings to which a ring is attached. As Hsu is understood, a fishing line would be attached directly or indirectly to this ring. If the fishing line is not attached to this eyelet, the Hsu lure would not travel in the appropriate direction in the water when used as fishing bait.

Therefore, claim 1 as amended should be allowable over Hsu.

Claim 2 depends from claim 1 and should be allowable for the reasons given above in support of its parent claim 1. In addition, claim 2 sets forth an independently patentable combination of elements.

Claim 24 has elements written in means plus function language pursuant to 35 U.S.C. §112 paragraph 6. One must look to Applicant's disclosure to interpret this claim.

Hsu has no indicia means to visually indicate the extent to which the fish attractant dispersing openings are open that is of the same or equivalent structure to the structure for such means described and shown in applicant's specification.

Therefore, claim 24 should be allowed.

It should be noted that the indicia means is means for visually indicating the extent to which the fish attractant dispersing openings are open. Thus the Examiner's comment that "a user could look into the openings to observe the level of the attractant within the body 4, 2" of Hsu seems unrelated to indicia means for visually indicating the extent to which fish attractant dispersing openings are open.

New claims 25-28 are each independently patentable.

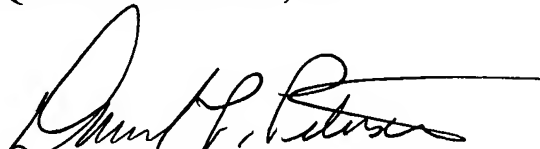
Therefore, the application should be in condition for allowance and such action is respectfully requested.

If the Examiner does not believe the application is in condition for allowance, the Examiner is requested to call the undersigned attorney to conduct an interview.

Respectfully submitted,

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By



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney Docket Number	7005-67235
Application Number	10/813,753
Filing Date	March 26, 2004
First Named Inventor	Sydow
Art Unit	464
Examiner Name	Not yet assigned

U.S. PATENT DOCUMENTS

NOTE: If this application was filed after June 30, 2003, copies of United States patents and United States published patent applications do not have to be provided to the Patent Office. This requirement of 37 C.F.R. § 1.98(a)(2)(i) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on August 5, 2003 (1276 OG 55).

Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
		2,713,744	7/26/55	Strausser
		3,780,467	12/25/73	Lueck
		4,449,318	5/22/84	Lane
		4,696,125	9/29/87	Rayburn
		4,799,328	1/24/89	Goldman
		4,817,326	4/4/89	Benjestorf
		4,930,245	6/5/90	Bazzano
		5,428,921	7/4/95	Lancieri
		5,560,140	10/1/96	Nafziger, et al.
		5,729,928	3/24/98	Anderson
		6,516,554 B1	2/11/03	Page et al.

OTHER DOCUMENTS

Examiner's Initials*	Cite No. (optional)	
		Photograph of Ad-just-a-bubble prior art device
		Photograph of Underwater Suspension Apparatus prior art device
		Document entitled "Explanation of Ad-just-a-bubble and Underwater Suspension Apparatus"

**EXAMINER
SIGNATURE:**

**DATE
CONSIDERED:**

* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.